

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff(s),

CASE NO. 12-20422

v.

HONORABLE AVERN COHN

MARIO HAIRSTON,

Defendant(s).

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ORDER DENYING MOTION TO SUPPRESS (DOC. 12)

This is a criminal case. Defendant is charged with a controlled substance violation (marihuana) 21 U.S.C. § 841(a)(1), possession of a firearm in furtherance of a drug trafficking crime, 18 U.S.C. §924(c) and being a felon in possession of a firearm, 18 U.S.C. §922(g). Now before the Court is defendant's Motion to Suppress Evidence obtained from defendant's residence as a result of a search on August 24, 2011 pursuant to a search warrant (Doc. 12). Defendant says the warrant was defective i.e. the warrant lacked sufficient credible facts to justify its issuance.

The Court held a hearing on the motion on September 20, 2012. For reasons stated on the record at the hearing the motion is DENIED.

The warrant was issued pursuant to an affidavit of an experienced law enforcement officer. The officer recited the facts underlying a controlled buy from defendant's residence in sufficient detail to establish the circumstantial conclusion that marihuana was at the residence. As stated in the government's response brief (Doc. 15):

The information [in the affidavit] related to the controlled buy, in conjunction with the training and experience of the Affiant, as described in the affidavit, established probable

cause that evidence of a crime existed in Defendant's residence. Consequently, the search warrant was not defective.

SO ORDERED.

Dated: September 21, 2012

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, September 21, 2012, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager
(313) 234-5160